



**CITY OF LODI  
COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Set a Public Hearing for August 1, 2007 to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan.

**MEETING DATE:** July 18, 2007

**PREPARED BY:** David Morimoto, Senior Planner

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**RECOMMENDED ACTION:** Set a Public Hearing for August 1, 2007 to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan.

**BACKGROUND INFORMATION:** Every year, as part of the City's Growth Management program, the Planning Commission reviews the requests that have been submitted to the City. Following a public hearing, the Commission makes a recommendation for City Council consideration. This public hearing is being held for the Council to award the 2006 allocations.

On June 27<sup>th</sup> the Planning Commission held a public hearing regarding the 2006 Residential Growth Management Development Plan review and Allocations. At this hearing the Planning Commission reviewed two Development Plans totaling 26 dwelling units. Of the requested 26 dwelling units, both were medium density projects (7.1 to 20 units per acre). The 2 projects seeking residential growth management allocations are as follows:

- GM-06-02 Brett and Kathy Haring, located at 1911 South Church Street, on the west side of S. Church Street, one block north of Century Boulevard, 7 Medium Density Allocations; and
- GM-06-03 Taj Khan, 865 East Olive Avenue (County address), on the east side of Lower Sacramento Road, one block south of Kettleman Lane, 19 Medium Density Allocations.

The Planning Commission originally received seven separate residential growth management applications for 2006. Five of those applications were outside of the City limits and would have required annexation to the City prior to receiving allocations. One of those applications (Khan) has subsequently annexed to the City as part of the S.W. Gateway annexation. The remaining four applications remain outside of the City limits. These four applicants have agreed to postpone further processing of their application until the City completes the update of the General Plan, which is currently underway. This temporary delay will allow the City to identify the most reasonable land use for the project areas and develop an infrastructure plan for these undeveloped areas. Once completed, the General Plan update will make the processing of these four additional applications easier and require less environmental and engineering work on the part of the individual applicants. In addition to the Khan and Haring applications,

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APPROVED:

A handwritten signature in black ink, appearing to read "Blair King", written over a horizontal line.

Blair King, City Manager

there was an additional application from **F&M Bank** that was within the City limits. This application is undergoing environmental review and will be reviewed by the Planning Commission later this year.

Finally, there are two projects that were granted allocations for 2006 by the City Council through the use of Development Agreements that granted allocations over a period of years based on a development plan and a specific development schedule. A third project, the **Westside** development was granted multi-year allocations through a Development Agreement, but those allocations do not begin until 2007.

The **Haring** project application was originally submitted as a 6-unit residential project but was resubmitted as a 7-unit residential project. The units are two story town house condominiums located on a one-third acre vacant parcel. The parcel is in an area that is fully developed with similar residential uses and is an in-fill project.

The Khan project is designed as a 19-unit residential development, with individual houses on small individual lots. The lots will average about 2,200 square feet in size. The lots will be located on private streets that will connect to Lower Sacramento Road by way of a private street that will be shared jointly with a number of adjoining properties. The parcel is located in a small rural residential development that was developed many years ago when this area was more than a mile outside of the City. Since then, the City has grown around the project area and includes an adjacent shopping center.

**FISCAL IMPACT:** None

**FUNDING AVAILABLE:** N/A

  
\_\_\_\_\_  
Randy Hatch  
Community Development Director

RH/dm/kjc

ORDINANCE NO. 1521

AN ORDINANCE OF THE LODI CITY COUNCIL  
ESTABLISHING A GROWTH MANAGEMENT PLAN  
FOR RESIDENTIAL DEVELOPMENT

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Chapter \_\_, \_\_\_\_\_, is hereby added to the Lodi  
Municipal Code to read as follows:

CHAPTER \_\_\_\_\_

ESTABLISHING A GROWTH MANAGEMENT PLAN FOR RESIDENTIAL DEVELOPMENT

Sections:

- \_\_\_\_\_ Purpose.
- \_\_\_\_\_ Findings.
- \_\_\_\_\_ Policies.
- \_\_\_\_\_ Allocation of Residential Development Approvals.
- \_\_\_\_\_ Allocations Nontransferable.
- \_\_\_\_\_ Priority Development Map.
- \_\_\_\_\_ Development Plan: Required.
- \_\_\_\_\_ Amendments.
- \_\_\_\_\_ Multi-Year Allocations.
- \_\_\_\_\_ Criteria: Point System.
- \_\_\_\_\_ Allocation of Building Permits/Approvals.

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\_\_\_\_\_. Purpose.

The purpose of this Chapter is to state clearly the various policies which shall govern the future growth and development of the City of Lodi. It is further the purpose of this ordinance to provide a growth management system to regulate the character, location, amount and timing of future development so as to achieve the policies stated in the Lodi General Plan. It is further the purpose of this Chapter to provide for increased housing opportunities for all segments of society and to promote and protect the public health, safety and welfare by regulating the future use and development of land in the City of Lodi.

But does  
not encourage  
infill  
development

\_\_\_\_\_. Findings.

The Lodi City Council, pursuant to Government Code Section 65863.6, hereby finds and determines as follows:

1. San Joaquin County is one of the most rapidly growing areas in the State of California and the United States. Projections indicate such growth is likely to continue.
2. Experience has shown that rapid growth which occurs in the absence of a growth management plan produces negative impacts upon housing, traffic, parks, air quality, water, aesthetics, and the general quality of life of City residents.
3. The growth projections and policies established by this ordinance reflect the estimated planned capacity of the City of Lodi to serve new growth as it occurs. In doing so, the Council has studied

the existing and projected capacity of the City's wastewater and water systems, ability of City streets to handle further traffic, levels of police and fire protection, the necessity of providing schools, and other related data.

4. Rapid uncontrolled growth is also a direct cause of serious adverse environmental and economic effects, some of which are:

- a) Loss of significant agricultural lands, including prime agricultural lands.
- b) The ability of the community to provide adequate and decent housing for its citizens.

\_\_\_\_\_. Policies.

The Lodi City Council hereby determines that in order to minimize or eliminate the problems described above, and to assure the public health, safety and welfare, the following policies shall guide the future growth and development of the City of Lodi.

1. It shall be the policy of the City of Lodi to insure that prime agricultural land is preserved by discouraging new residential developments in rural or unincorporated areas and to provide, to the extent possible, that new residential development shall occur in urban areas.

how  
is this  
accomplished

\_\_\_\_\_ 2. It shall be the policy of the City of Lodi to minimize degradation of natural resources, including but not limited to air, water, and wildlife habitat.

\_\_\_\_\_. Allocation of Residential Development Approvals.

A. The number of residential units approved by the City shall reflect a two percent (2%) yearly limitation on growth based on population, to be compounded annually. Calculations for residential building approval shall be based on a population figure of 50,990 as of September 1, 1989, and assuming an average number of persons per residential unit as determined annually by the State Department of Finance. This limitation and formula shall be applicable to approvals of residential units for years beginning with calendar year 1990 and thereafter.

B. This limitation shall not apply to:

1. Commercial and industrial projects,
2. Senior citizen housing,
3. On-site replacement of housing in existence as of September 1, 1989. and
4. Projects of four (4) units or less. △ #

*Recommendation: add infill projects of 1 acre or less*

\_\_\_\_\_. Allocations nontransferable.

No allocation or approval granted under this Chapter may be transferred or assigned to any other location or project by the applicant or applicant's heirs, assigns or successors.

\_\_\_\_\_. Priority Development Map.

The City Council shall, each year, adopt or update a map of the City and surrounding areas showing lands eligible for development as part of the City of Lodi and assigning thereto, priority

*has it  
ever  
been  
updated??*

classifications of 1, 2 or 3. This map shall be based upon the recommendation of the Planning Commission, the Public Works Department, and the Community Development Department, as determined by the availability of City services including but not limited to water, wastewater, storm drains, streets, police and fire protection and parks.

infill has  
no  
priority

\_\_\_\_\_. Development Plan: Required.

Prior to submission of a tentative map, parcel map or other approval under the Subdivision Map Act (Government Code Section 66410 et seq.), an application for Growth Management Review shall be made to the Planning Commission on forms provided by the Community Development Department and shall include or be accompanied by a development plan. The format and information to be contained in such development plan shall be determined by resolution of the City Council.

\_\_\_\_\_. Amendments.

If, at any point after approval and before construction begins, the applicant shall substantially modify the plan submitted, City may require that the plan be resubmitted for evaluation from the first step. A determination of the need for resubmission shall be made by the Community Development Department in the exercise of its sole discretion.

\_\_\_\_\_. Multi-Year Allocations.

Applicant shall specify, if desired, that multi-year approval is sought. The Planning Commission and City Council may, in their discretion, grant up to three years allocations. However, any such

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number of units approved shall be deducted from the total number of allocations available in such future years.

\_\_\_\_\_. Criteria: Point System.

Evaluation of proposed projects shall be done with reference to and in conformance with a point system/criteria schedule to be established by Council resolution. However, if the number of available allocations exceeds the number requested, allocations will be made without use of this ordinance. (?)

\_\_\_\_\_. Allocation of Building Permits/Approvals.

If, in any year, the number of applications for residential units subject to this ordinance exceeds the number of building permits to be issued in that year by the City, as calculated herein, such available building permits/approvals shall be issued as follows:

A. By reference to the point system/criteria specified in Section \_\_\_\_\_ of this chapter, the project with the lowest number of points shall be eliminated from consideration until the number of unit applications remaining equals the number of building permits to be issued during that year.

B. During elimination of projects under (A) above, if 2 or more projects are tied for low score after all lower scores have been eliminated, the Community Development Director shall reduce the number of units in each of the tied low-scoring projects, on an equal percentage basis, until the number remaining coincides with the number of building permits available.

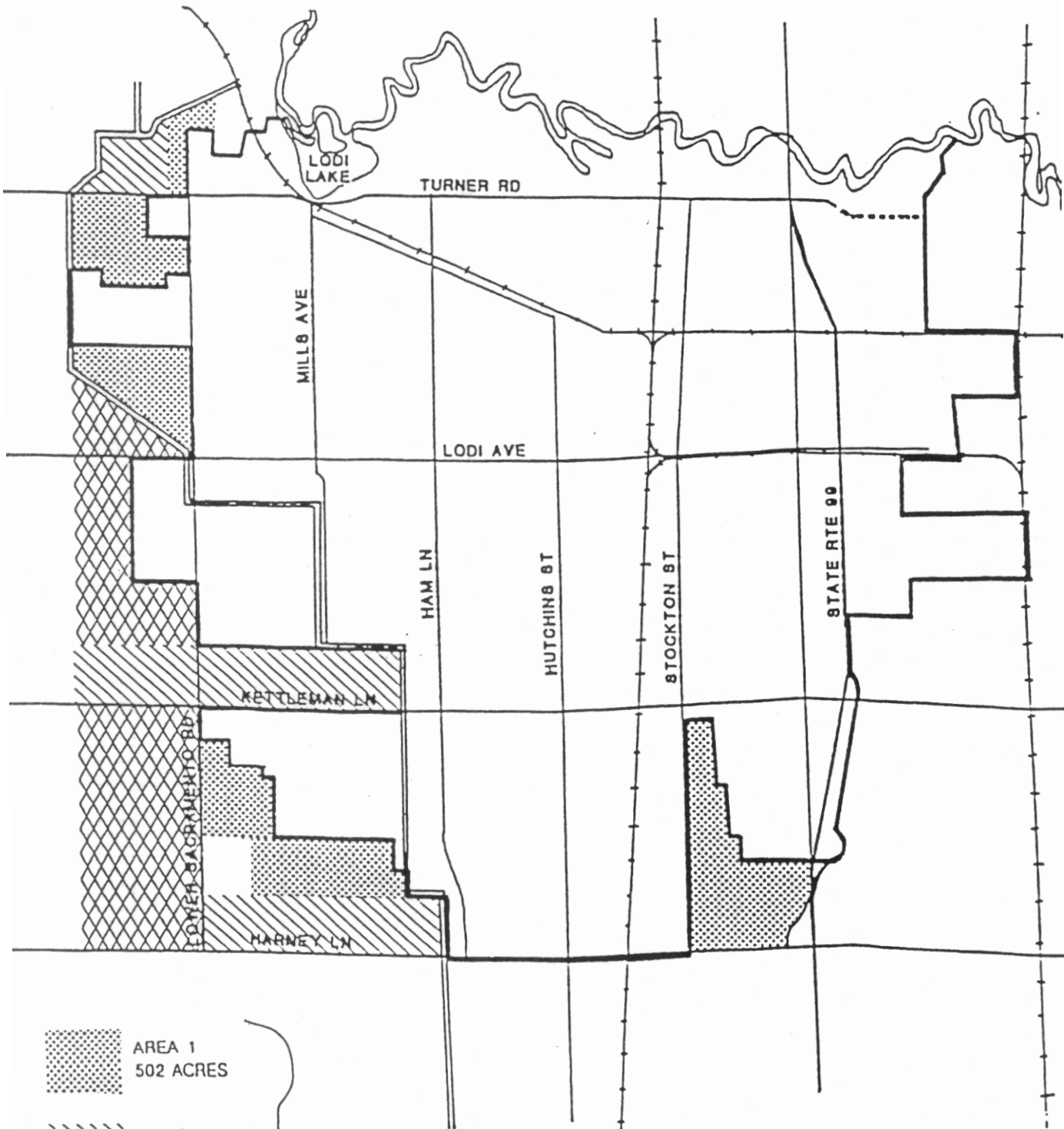
C. No single project shall receive more than one-third of all single family permits available in any single year, unless the number of applications received is less than permits available in that year.





COMMUNITY DEVELOPMENT  
DEPARTMENT

PRIORITY DEVELOPMENT AREAS  
RESIDENTIAL



AREA 1  
502 ACRES

AREA 2  
454 ACRES

AREA 3  
538 ACRES

infill not represented, as the intent of  
this ordinance is to limit expansion of city  
limits

RESOLUTION NO. 91-171

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A RESOLUTION OF THE LODI CITY COUNCIL  
ESTABLISHING GUIDELINES, CONTENTS, AND TIME FRAMES  
OF AND FOR DEVELOPMENT PLANS

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WHEREAS, Ordinance No. 1521, adopted by the City Council on \_\_\_\_\_, 1991 provides that a "Development Plan" shall be submitted for all tentative maps, parcel maps and other approvals under the Subdivision Map Act; and

WHEREAS, Ordinance No. 1521 further provides that the format and contents of such development plans shall be established by Council resolution;

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the following shall apply to Development Plans:

A. Development Plan: Contents.

A development plan shall include:

1. A map showing any street system and/or lot design proposed within the development. Any area proposed to be dedicated or reserved for parks, open-space conservation, playgrounds, school sites, public buildings, churches and other such uses must be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with City and State Subdivision regulations or any other applicable local or state laws.

5. Project is surrounded by agricultural land 0

B. On-site Agricultural Land Mitigation

1. Project needs no agricultural land mitigation 10

2. Adequate on-site buffer has been provided as a part of site layout for all adjacent agricultural land 7

3. On-site buffer provided as a part of site layout for only part of the project 5

4. No buffer between project and adjacent agricultural land 0

C. General Location - A map showing such priority shall be adopted or updated from time to time by the Council, and shall be available for inspection in the office of the City Clerk.

1. Project located within Priority Area 1 200

2. Project located within Priority Area 2 100

3. Project located within Priority Area 3 0



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT** PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S  
RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT  
ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN

**PUBLISH DATE:** SATURDAY, JULY 21, 2007


**LEGAL AD**

**TEAR SHEETS WANTED:** ~~One (1) please~~

**SEND AFFIDAVIT AND BILL TO:** RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910


**DATED:** THURSDAY, JULY 19, 2007

**ORDERED BY:** RANDI JOHL  
CITY CLERK

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
DANA CHAPMAN  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at 3:20 (time) on 7/19/07 (date) 2 (pages)  
7/19/07 Phoned to confirm receipt of all pages at 3:40 (time) JLT DRC  MP (initials)



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN**

On Friday, July 20, 2007, in the City of Lodi, San Joaquin County, California, a Public Hearing to consider Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan (attached and marked as Exhibit A) was posted at the following locations:


Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN**

On July 20, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing to consider Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK, CITY OF LODI**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK



## **CITY OF LODI**

**Carnegie Forum**  
305 West Pine Street, Lodi

## **NOTICE OF PUBLIC HEARING**

**Date: August 1, 2007**

**Time: 7:00 p.m.**

For information regarding this notice please contact:

**Randi Johl**

**City Clerk**

**Telephone: (209) 333-6702**

Randi Johl  
City Clerk

**Dated: July 16, 2007**

Approved as to form:

D. Stephen Schwabauer  
City Attorney

## Growth Management - Kathy Haring mailing list

EXHIBIT B

APN	OWNER	ADDRESS	CITY	STATE	ZIP
06218017	SPRAGUE, O DEAN & MARY BETH TR	5070 LEXINGTON CIR	LOOMIS	CA	95650
06220002	EAST WEST, INVESTORS II	400 PACIFIC AVE	SAN FRANCISCO	CA	94133
06220003	ALI, RAMZAN & NASEEM A TR	249 DUNSMUIR DR	LODI	CA	95240
06220004	ARROYO, JUAN	423 DON CARLOS CT	STOCKTON	CA	95210
06220005	FAIRLEY, MELISSA C TR	48817 SEMILLON DR	FREMONT	CA	94539
	MAX & JOAN MAVONE T	1690		CA	95241
06221001	OLSON, MARK J ETAL	1940 S CHURCH ST	LODI	CA	95240
06221002	VAN SLYKE, RICHARD C & DONNA M	8459 CAVE CITY RD	MOUNTAIN RANCH	CA	95246
06221003	HUSSAIN, MAHMOOD & T ETL	158 SWAIN DR	LODI	CA	95240
06221020	NGWEN. OANH KIM	PO BOX 781	LODI	CA	95241
06221021	MUNIZ, ALBERTO & MARIA ALANIZ	9430 PLYMOTH ST	OAKLAND	CA	94603
06221022	KANG, INDERJETT S & BALJIT K	2506 MEADOW DR	LODI		)
06221023	MEDRANO, BENITO M & DOMITILA S	1922 S CHURCH ST	LODI		)
06231014	SAHAGUN, ALFREDO ETAL	156 ADOBE CT	LODI		)
06231015	BANK OF NEW YORK TR	4828 LOOP CENTRAL DR	HOUSTON	TX	77081
06231016	WOOD, BARRY C & PATRICIA P	1910 S CHURCH ST	LODI	CA	95240
06231017	GOMEZ, ANTONIO & MARIA	1924 WYNDHAM WAY	LODI	CA	95242
06231018	AMIN, BASHARAT	2226 CHAPARRAL CT	LODI	CA	95242
06231019	LODI HUTCHINS STREET ASSOC LP	1420 S MILLS AVE #M	LODI	CA	95242



## Growth Management - Kathy Haring mailing list

06249002	LODI ATHLETIC CLUBS PTP	11290 PYRITES WAY SUITE 100	GOLD RIVER	CA	95670
06249004	LODI ATHLETIC CLUBS PTP	11290 PYRITES WAY SUITE 100	GOLD RIVER	CA	95670
06249005	LODI HUTCHINS STREET ASSOC LP	1420 S MILLS AVE #M	LODI	CA	95242
06249006	NORTHUP, JEFFREY D	1905 S CHURCH ST	LODI	CA	95240
06249007	ALIFERIS, ARISTOMENIS A	1907 S CHURCH ST	LODI	CA	95240
06249008	THOMAS, PATRICK & LISA	1909 S CHURCH ST	LODI	CA	95240
06249009	<b>HARING, BRETT R &amp; KATHLEEN B</b>	552 KIRST DR	WOODBIDGE	CA	95258

Growth Management – Taj Khan mailing list

APN	OWNER	ADDRESS	CITY	STATE	ZIP
<b>05814004</b>	FRAME, DEAN K & SHARON L TR	<b>212</b> RUTLEDGE DR	LODI	CA	95242
<b>05814005</b>	KHAN, TAJ M ETAL	<b>1112</b> RIVERGATE DR	LODI	CA	<b>95240</b>
<b>05814006</b>	HERRMANN, VERNET & C TRS	<b>1200</b> GLENHURST	LODI	CA	<b>95240</b>
<b>05814007</b>	DEL RIO, SANTIAGO M & RAMONA T	<b>15315 N</b> HOERL RD	LODI	CA	<b>95240</b>
<b>05814008</b>	HALL, FRANK	PO BOX <b>90</b>	FRENCH CAMP	CA	<b>95231</b>
<b>05814009</b>	SANTIAGO M & RAMONA T	HOERL RD		CA	<b>95240</b>
<b>05814010</b>	JERRY	OLIVE AVE		CA	<b>95242</b>
<b>05814011</b>	GREVER, ZANE M & P TRS	<b>1432</b> PARK ST	LODI	CA	<b>95242</b>
<b>05814012</b>	PETERSON, M BILL	P O BOX <b>473</b>	LOCKEFORD	CA	<b>95237</b>
<b>05814014</b>	PETERSON, RUTH SUSAN	PO BOX <b>331</b>	SUTTER CREEK	CA	<b>95685</b>
<b>05814035</b>	BDC LODI ANCHOR LP	100 SWAN WAY SUITE		CA	<b>94621</b>
<b>05814044</b>	FIRST LODI PLAZA ASSOCIATES	100 SWAN WAY SUITE <b>206</b>	OAKLAND	CA	<b>94621</b>
<b>05814045</b>	FIRST LODI PLAZA ASSOCIATES	PO BOX 10001	DALLAS	TX	<b>75301</b>
<b>05814050</b>	FIRST LODI PLAZA ASSOC LTD PTP	100 SWAN WAY SUITE <b>206</b>	OAKLAND	CA	<b>94621</b>